

# **EXHIBIT 12**

ROBERT MELECCI

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
CIVIL ACTION NO. 08 CIV 312 (SAS)  
MDL 1358

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NEW JERSEY DEPARTMENT OF	:	
ENVIRONMENTAL PROTECTION,	:	
et al.	:	Videotaped
	:	Deposition of:
	:	
Plaintiffs,	:	ROBERT MELECCI
	:	
against	:	
	:	
ATLANTIC RICHFIELD CO.,	:	
et al.,	:	
	:	
Defendants.	:	

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TRANSCRIPT of testimony as taken by and before  
NANCY C. BENDISH, Certified Court Reporter, RMR, CRR  
and Notary Public of the States of New Jersey and  
New York, at the offices of LEARY, BRIDE, TINKER &  
MORAN, 7 Ridgedale Avenue, Cedar Knolls, New Jersey  
on Wednesday, September 12, 2012, commencing at  
10:25 a.m.

## ROBERT MELECCI

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<p>1 Q. What other carriers; do you recall?</p> <p>2 A. Jersey Gasoline.</p> <p>3 Q. And do you recall the time frame,</p> <p>4 about what year?</p> <p>5 A. No.</p> <p>6 Q. When you witnessed Dhandi Transport</p> <p>7 deliver gasoline, did you ever witness spills of</p> <p>8 gasoline?</p> <p>9 A. Yes.</p> <p>10 Q. Describe the spill; how would it</p> <p>11 spill?</p> <p>12 MR. BRIGHT: Objection to form.</p> <p>13 MR. SINKEVICH: Join.</p> <p>14 Q. Can you describe to me what you</p> <p>15 witnessed when you said you witnessed a spill?</p> <p>16 A. Just seen gas.</p> <p>17 Q. Well, I understand that, but --</p> <p>18 A. Spill.</p> <p>19 Q. Was it spilling out of the truck?</p> <p>20 A. No.</p> <p>21 Q. Was it spilling out of the hose from</p> <p>22 the truck?</p> <p>23 A. Yes.</p> <p>24 Q. Was it -- the truck would hook up --</p> <p>25 when the truck arrived it would hook up the hose to</p>	<p>1 underground storage -- or deliver gasoline to the</p> <p>2 underground storage tank or at the conclusion of it?</p> <p>3 MR. BRIGHT: Objection to form.</p> <p>4 A. I couldn't tell you.</p> <p>5 Q. On how many occasions did you witness</p> <p>6 them spilling, Dhandi Transport gas spilling</p> <p>7 gasoline?</p> <p>8 A. A few.</p> <p>9 Q. Do you recall the dates?</p> <p>10 A. No.</p> <p>11 Q. By a few do you mean three times over</p> <p>12 the last -- since 2003, or more often?</p> <p>13 A. No, I'd say a few more.</p> <p>14 Q. A few more than a few?</p> <p>15 A. Yes.</p> <p>16 Q. So, would that be six, nine?</p> <p>17 A. Yes.</p> <p>18 Q. Six times?</p> <p>19 A. Yeah.</p> <p>20 Q. Is that six times a year or is that</p> <p>21 six times total?</p> <p>22 A. Six total, I don't know.</p> <p>23 MR. MOONEY: Take a break.</p> <p>24 THE VIDEOGRAPHER: This is the end of</p> <p>25 tape number 1, the time is 12:39 p.m. and we are</p>
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<p>1 the truck and then to the underground storage tank?</p> <p>2 A. Yes.</p> <p>3 Q. And then it was during that process</p> <p>4 that you, during that delivery of gasoline to the</p> <p>5 underground storage tank, that you would see spills</p> <p>6 of gasoline?</p> <p>7 A. Yes.</p> <p>8 MR. BRIGHT: Objection, form.</p> <p>9 Q. And what end of the hose would you</p> <p>10 see spillage of gasoline?</p> <p>11 MR. BRIGHT: Objection, form.</p> <p>12 Q. Would you see the part that's</p> <p>13 connected to the truck or the part that's connected</p> <p>14 to the underground storage tank?</p> <p>15 MR. BRIGHT: Same objection.</p> <p>16 A. Ummm.</p> <p>17 Q. You don't know?</p> <p>18 A. Am I supposed to answer?</p> <p>19 Q. Yes.</p> <p>20 MR. BRIDE: If you can.</p> <p>21 A. To the tank.</p> <p>22 Q. The part that's to the tank?</p> <p>23 A. Yes.</p> <p>24 Q. And would it be at the beginning of</p> <p>25 when they were starting to pump gasoline into the</p>	<p>1 going off the record.</p> <p>2 (Recess taken.)</p> <p>3 THE VIDEOGRAPHER: This begins tape</p> <p>4 number 2, the time is 12:43 p.m. and we are now back</p> <p>5 on the record.</p> <p>6 BY MR. MOONEY:</p> <p>7 Q. Mr. Melecci, you said that over the</p> <p>8 course of time that Dhandi, that you witnessed them</p> <p>9 maybe about six times spill gasoline; is that</p> <p>10 correct?</p> <p>11 A. Yes.</p> <p>12 Q. Do you recall testifying in a</p> <p>13 previous deposition when asked, did you ever -- of</p> <p>14 spilling gas when they dispensed from the trailer to</p> <p>15 the ground, there was a question: Did you ever see,</p> <p>16 in reference to Dhandi Transport, did you ever see</p> <p>17 them spilling gas, you testified yes and they asked</p> <p>18 the question of how often and you stated, every</p> <p>19 time?</p> <p>20 MR. BRIGHT: Objection to form.</p> <p>21 Q. Do you recall that testimony?</p> <p>22 A. I don't know every time. But yes.</p> <p>23 Q. You recall testifying that --</p> <p>24 A. Yes.</p> <p>25 Q. They spilled gas every time?</p>

25 (Pages 94 to 97)